

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

In re:

James A. Tonn,

Debtor.

Chapter 13

Case No. 15-28673-beh

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**NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN**

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James A. Tonn has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court  
517 E. Wisconsin Avenue  
Room 126  
Milwaukee, Wisconsin 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

William C. Yellin - Attorney at Law  
20711 Watertown Road - Suite A  
Waukesha, Wisconsin 53186

If you, or your attorney, do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

## REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is the Debtor.;
2. This request relates to a **CONFIRMED** Plan.
3. The Proponent wishes to modify the Chapter 13 Plan to do the following with respect to the claim of CitiFinancial Servicing LLC:
  - A. Debtor shall return to the Trustee all Plan payments refunded by the Trustee to the Debtor, and shall continue regular monthly mortgage payments to CitiFinancial.
  - B. Debtor shall continue monthly \$900.00 Plan payments; and the portion of such payments available to creditors shall be paid by the Trustee to CitiFinancial.
  - C. On or before November 30, 2020, debtor shall refinance (or sell) his principal residence, and pay to CitiFinancial any remaining mortgage balance due.

The reason(s) for the modification is/are:

To maintain Plan feasibility

The Chapter 13 Plan previously filed herein, as previously confirmed, is modified as follows:

- A. Debtor shall return to the Trustee all Plan payments refunded by the Trustee to the Debtor, and shall continue regular monthly mortgage payments to CitiFinancial.
- B. Debtor shall continue monthly \$900.00 Plan payments; and the portion of such payments available to creditors shall be paid by the Trustee to CitiFinancial.
- C. On or before November 30, 2020, debtor shall refinance (or sell) his principal residence, and pay to CitiFinancial any remaining mortgage balance due.

All remaining terms and provisions of the Plan -as previously amended- are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan -as amended- and the modification set forth above, the latter shall supersede and control.

BY SIGNING BELOW THE PROPONENT OF THIS MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein. , certify that I have reviewed the modification proposed above, as Counsel for the debtor(s).

Dated this 25 day of March, 2016.

By: S/  
William C Yellin,  
Attorney for the Debtor